

**THIRTY SEVENTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia, Tuesday, February 18, 2014

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Baumgartner and Eide.

The Sergeant at Arms Color Guard consisting of Eagle Scouts, Kyler McConaghy, Troop 4063, of Oak Harbor and Andrew Moss of Lake Stevens representing the Mount Baker Council, Boy Scouts of America, presented the Colors.

Specialist Thomas O’Ban, United States Army Reserve, son of Senator Steve O’Ban, performed an acapella version of “The Star Spangled Banner.”

Pastor Bill Knepper of Mount View Baptist Church, Centralia offered the prayer.

REMARKS BY THE PRESIDENT

President Owen: “Specialist O’Ban, that was an absolute excellent rendition of the ‘Star Spangled Banner’. Thank you very much.”

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Fain, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1960,  
 SUBSTITUTE HOUSE BILL NO. 2146,  
 SUBSTITUTE HOUSE BILL NO. 2178,  
 HOUSE BILL NO. 2208,  
 HOUSE BILL NO. 2225,  
 SUBSTITUTE HOUSE BILL NO. 2229,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2251,  
 SUBSTITUTE HOUSE BILL NO. 2363,  
 HOUSE BILL NO. 2386,  
 HOUSE BILL NO. 2426,  
 ENGROSSED HOUSE BILL NO. 2442,  
 SUBSTITUTE HOUSE BILL NO. 2454,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2457,  
 HOUSE BILL NO. 2482,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2493,  
 HOUSE BILL NO. 2527,  
 SUBSTITUTE HOUSE BILL NO. 2624,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2639,

SUBSTITUTE HOUSE BILL NO. 2698,  
 ENGROSSED HOUSE BILL NO. 2789,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1118,  
 SUBSTITUTE HOUSE BILL NO. 1156,  
 SUBSTITUTE HOUSE BILL NO. 1402,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1773,  
 SUBSTITUTE HOUSE BILL NO. 2205,  
 HOUSE BILL NO. 2253,  
 SUBSTITUTE HOUSE BILL NO. 2318,  
 HOUSE BILL NO. 2440,  
 HOUSE BILL NO. 2446,  
 SUBSTITUTE HOUSE BILL NO. 2461,  
 HOUSE BILL NO. 2534,  
 HOUSE BILL NO. 2646,  
 HOUSE BILL NO. 2647,  
 SUBSTITUTE HOUSE BILL NO. 2675,  
 SUBSTITUTE HOUSE BILL NO. 2705,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1171,  
 SUBSTITUTE HOUSE BILL NO. 1742,  
 SUBSTITUTE HOUSE BILL NO. 1841,  
 SUBSTITUTE HOUSE BILL NO. 2150,  
 HOUSE BILL NO. 2169,  
 HOUSE BILL NO. 2302,  
 SUBSTITUTE HOUSE BILL NO. 2420,  
 SUBSTITUTE HOUSE BILL NO. 2567,  
 HOUSE BILL NO. 2585,  
 HOUSE BILL NO. 2598,  
 HOUSE BILL NO. 2642,  
 SUBSTITUTE HOUSE BILL NO. 2691,  
 HOUSE BILL NO. 2744,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1005,  
 ENGROSSED HOUSE BILL NO. 1013,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1117,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1820,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1888,  
 SUBSTITUTE HOUSE BILL NO. 2171,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,  
 HOUSE BILL NO. 2405,  
 SUBSTITUTE HOUSE BILL NO. 2430,  
 HOUSE BILL NO. 2438,  
 SUBSTITUTE HOUSE BILL NO. 2481,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2556,  
 ENGROSSED HOUSE BILL NO. 2617,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2627,  
 SUBSTITUTE HOUSE BILL NO. 2706,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2711,  
 ENGROSSED HOUSE BILL NO. 2752,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643,  
 SUBSTITUTE HOUSE BILL NO. 2125,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2155,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2163,  
 SUBSTITUTE HOUSE BILL NO. 2196,  
 SUBSTITUTE HOUSE BILL NO. 2197,  
 HOUSE BILL NO. 2231,  
 HOUSE BILL NO. 2294,  
 SUBSTITUTE HOUSE BILL NO. 2309,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2315,  
 SUBSTITUTE HOUSE BILL NO. 2339,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2353,  
 SUBSTITUTE HOUSE BILL NO. 2371,  
 HOUSE BILL NO. 2436,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2439,  
 HOUSE BILL NO. 2530,  
 SUBSTITUTE HOUSE BILL NO. 2552,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,  
 ENGROSSED HOUSE BILL NO. 2618,  
 HOUSE BILL NO. 2674,  
 HOUSE BILL NO. 2741,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2759,  
 HOUSE BILL NO. 2777,  
 and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1072 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Sells, Ormsby, Reykdal, Freeman, Fagan and Morrell)

AN ACT Relating to the agricultural labor skills and safety grant program; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

2SHB 1170 by House Committee on Finance (originally sponsored by Representatives Morrell, Cody, Seaquist, Morris, Green, Ormsby, Freeman, Jinkins, Blake, Moeller, Upthegrove, Ryu, Lias, Pollet, Fey, Haigh, Bergquist, S. Hunt and Santos)

AN ACT Relating to modifying the income thresholds for the exemption and deferral property tax relief programs for senior citizens and persons retired because of physical disability; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 1287 by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Appleton, Dahlquist, Hurst, McCoy, Ryu, Santos and Pollet)

AN ACT Relating to subjecting federally recognized Indian tribes to the same conditions as state and local governments for property owned exclusively by the tribe; amending RCW 82.29A.010, 82.29A.020, 82.29A.050, 84.36.010, 84.36.451, and 84.40.230; adding a new section to chapter 82.29A RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 52.30 RCW; adding a new section to chapter 43.136 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1635 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Cody, Jinkins, Ryu and Pollet)

AN ACT Relating to disproportionate share hospital adjustments; and amending RCW 74.09.730.

Referred to Committee on Ways & Means.

2SHB 1651 by House Committee on Appropriations Subcommittee on General Government & Information Technology (originally sponsored by Representatives Kagi, Walsh, Freeman, Roberts, Farrell, Zeiger, Goodman, Pollet, Sawyer, Appleton, Bergquist, S. Hunt, Moscoso, Jinkins, Ryu and Morrell)

AN ACT Relating to access to juvenile records; amending RCW 13.50.010, 13.50.050, 13.40.127, 13.40.190, and 13.50.100; adding new sections to chapter 13.50 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

HB 2130 by Representatives MacEwen, Orwall, Morrell, Seaquist, Haler, Appleton, Ross, Stanford, Green, Van De Wege, Ormsby and Freeman

AN ACT Relating to the veterans innovations program; amending RCW 43.60A.160, 43.60A.175, and 43.60A.185;

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and repealing RCW 43.60A.165, 43.60A.170, 43.131.405, and 43.131.406.

Referred to Committee on Governmental Operations.

SHB 2153 by House Committee on Health Care & Wellness (originally sponsored by Representatives Habib, Tarleton, Ross, Green, Morrell, Springer, Tharinger, Jinkins, Goodman, Van De Wege, Clibborn, Fey and Riccelli)

AN ACT Relating to the treatment of eosinophilic gastrointestinal associated disorders; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care.

SHB 2175 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Morrell and Stanford)

AN ACT Relating to removing barriers to economic development in the telecommunications industry; and amending RCW 80.36.375 and 35.21.860.

Referred to Committee on Energy, Environment & Telecommunications.

ESHB 2177 by House Committee on Technology & Economic Development (originally sponsored by Representatives Morris, Morrell, Blake and Fey)

AN ACT Relating to the expansion of natural gas infrastructure in rural or underserved areas; adding new sections to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy, Environment & Telecommunications.

E2SHB 2192 by House Committee on Appropriations (originally sponsored by Representatives Smith, Hansen, Haler, Buys, Hayes, Parker, Short, Seaquist, Pike, Scott, Zeiger, Hargrove, Manweller, Holy, Magendanz, Vick and Wilcox)

AN ACT Relating to promoting economic development through enhancing transparency and predictability of state agency permitting and review processes; amending RCW 43.17.385; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

ESHB 2298 by House Committee on Local Government (originally sponsored by Representatives Pike, Takko, Vick, Harris, Blake, Rodne and Farrell)

AN ACT Relating to changing the definition of capital projects to include technology infrastructure; and amending RCW 82.46.010.

Referred to Committee on Governmental Operations.

HB 2334 by Representatives Riccelli, Sells, Moscoso, Seaquist, S. Hunt, Green, Appleton, Ryu, Reykdal, Bergquist, Takko, Goodman, Pollet and Ormsby

AN ACT Relating to simplifying and enforcing employee status under employment laws to ensure fairness to employers and employees and address the underground economy; amending RCW 39.12.010, 39.12.050, 49.46.010, 50.04.100, 50.04.298, 50.12.070, 50.12.072, 50.24.070, 50.04.100, 51.08.070, and 51.08.180; reenacting and amending RCW 49.48.082; adding a new section to chapter 39.12 RCW; adding new sections to chapter 49.52 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.46 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 51.12 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 39.12.100, 50.04.140, 50.04.145, 51.08.181, and 51.08.195; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2359 by Representatives Kochmar, Fagan, Vick, Hurst, Kirby, Morrell, Orwall, Dahlquist, Tarleton and Freeman

AN ACT Relating to exempting collectible vehicles from emission test requirements; amending RCW 46.16A.060; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SHB 2365 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Bergquist, Dahlquist, Santos, Stonier, Haigh, Ryu, Reykdal, Fey, Orwall, Gregerson, Freeman and Pollet)

AN ACT Relating to paraeducator development; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

SHB 2373 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Parker, Lytton, Stonier, Dahlquist, Seaquist, Zeiger, Santos, Farrell, Pettigrew, Kagi, Bergquist, Walsh, Pollet, Fey, Ryu, Roberts, Cody, Gregerson, Orwall, Haler, S. Hunt, Tarleton, Freeman, Walkinshaw, Muri and Habib)

AN ACT Relating to improving educational outcomes for homeless students; amending RCW 28A.300.540 and 28A.175.010; adding a new section to chapter 28A.320 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SHB 2378 by House Committee on Appropriations (originally sponsored by Representatives Harris, Rodne, Green, Ryu, Morrell and Roberts)

AN ACT Relating to practice settings for certified chemical dependency professionals and trainees; and amending RCW 18.205.040.

Referred to Committee on Health Care.

HB 2404 by Representatives Vick, Riccelli, Bergquist, Manweller, Hayes and Orcutt

AN ACT Relating to electric personal assistive mobility devices; and amending RCW 46.04.1695.

Referred to Committee on Transportation.

SHB 2474 by House Committee on Appropriations (originally sponsored by Representatives Springer, Harris, Sullivan, Haler, Takko, Johnson, Fagan, Tharinger, Walsh, Pettigrew, Goodman, Clibborn, Tarleton, Manweller, Kagi, Moeller, Appleton, Jinkins, Habib, Bergquist, Morrell, Cody, Magendanz, Santos, Pollet and Freeman)

AN ACT Relating to creating the save toward a retirement today state retirement savings plan; amending RCW 43.33A.070; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 41.50 RCW; creating a new section; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Financial Institutions, Housing & Insurance.

2SHB 2486 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Roberts, Fey, Springer, Freeman, Pollet and Santos)

AN ACT Relating to inmate postsecondary education degree programs to reduce recidivism; and amending RCW 72.09.460 and 72.09.465.

Referred to Committee on Human Services & Corrections.

ESHB 2512 by House Committee on Business & Financial Services (originally sponsored by Representative Kirby)

AN ACT Relating to cosmetology, hair design, barbering, esthetics, and manicuring; amending RCW 18.16.030, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.175, 18.16.180, 18.16.190, 18.16.200, 18.16.290, and 18.16.900; and reenacting and amending RCW 18.16.020.

Referred to Committee on Commerce & Labor.

HB 2515 by Representatives Christian, S. Hunt, Kretz and Bergquist

AN ACT Relating to treatment of population enumeration data, including exempting from public inspection and copying; adding a new section to chapter 42.56 RCW; and adding a new section to chapter 43.41 RCW.

Referred to Committee on Governmental Operations.

ESHB 2535 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Freeman, Goodman, Walsh, Kochmar, S. Hunt, Wylie, Stonier, Haler, Scott, Sawyer, Kagi, Green and Haigh)

AN ACT Relating to review of licensing and employment decisions by the children's administration; amending RCW 74.13.700; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Human Services & Corrections.

HB 2553 by Representatives Pettigrew, Springer, Lytton, Zeiger, Roberts, Gregerson and Pollet

AN ACT Relating to supporting family and community engagement in persistently lowest-achieving schools; adding a new section to chapter 28A.657 RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 2582 by Representatives Hargrove, Kagi and Walsh

AN ACT Relating to filing a petition seeking termination of parental rights; and reenacting and amending RCW 13.34.138.

Referred to Committee on Human Services & Corrections.

SHB 2610 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Fey, Kagi, Freeman, Fitzgibbon, Sawyer, Senn, Bergquist, Walkinshaw, Lytton, Ryu, Farrell, Jinkins, Robinson, Roberts, Gregerson, Santos and Pollet)

AN ACT Relating to identifying characteristics of the homeless youth population; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 2613 by House Committee on Higher Education (originally sponsored by Representatives Gregerson, Zeiger, Seaquist, Haler, Morrell, Pollet and Jinkins)

AN ACT Relating to creating efficiencies for institutions of higher education; and amending RCW 28B.15.102, 42.16.010, 44.28.816, and 43.88.110.

Referred to Committee on Ways & Means.

ESHB 2626 by House Committee on Higher Education (originally sponsored by Representatives Seaquist, Haler, Reykdal, Gregerson, Pollet and Moscoso)

AN ACT Relating to establishing statewide educational attainment goals; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

EHB 2684 by Representatives Walkinshaw, Zeiger and Young

AN ACT Relating to time period and monetary limits on ferry vessel and terminal work by state forces; and amending RCW 47.28.030.

Referred to Committee on Transportation.

2SHB 2694 by House Committee on Appropriations Subcommittee on Education (originally sponsored by Representatives Hansen, Magendanz, Zeiger, Walsh, Hargrove, Ormsby, Haler, Tharinger and Freeman)

AN ACT Relating to an informational program to increase applications from high-achieving low-income high school

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students to selective institutions of higher education; adding a new section to chapter 28B.77 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SHB 2699 by House Committee on Early Learning & Human Services (originally sponsored by Representatives Kagi, Walsh, Senn, Zeiger, Roberts, Klippert, Pettigrew, Sawyer, Jinkins, Farrell, Smith, Fey, Goodman and Ormsby)

AN ACT Relating to providing caregivers authority to allow children placed in their care to participate in normal childhood activities based on a reasonable and prudent parent standard; reenacting and amending RCW 74.15.030; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

SHB 2725 by House Committee on Appropriations (originally sponsored by Representatives Cody, Morrell, Jinkins, Harris, Rodne, Bergquist, Robinson and Walsh)

AN ACT Relating to court review of detention decisions under the involuntary treatment act; amending RCW 71.05.150; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 2743 by House Committee on Appropriations (originally sponsored by Representatives S. Hunt, Green, Appleton, Sullivan, Reykdal, Hudgins, Bergquist, Jinkins, Sawyer, Sells, Ormsby, Riccelli, Fitzgibbon, Robinson, Fey, Roberts, Pollet and Freeman)

AN ACT Relating to protecting taxpayers by providing for accountability and transparency in government contracting; amending RCW 39.26.180, 43.19.008, and 39.26.200; adding a new section to chapter 39.26 RCW; and creating new sections.

Referred to Committee on Governmental Operations.

ESHB 2746 by House Committee on Appropriations (originally sponsored by Representatives Green, Morrell, Tharinger, Fitzgibbon, Senn, Tarleton, Robinson, Kagi, Roberts, Ortiz-Self, Jinkins, Walsh, Habib, Bergquist, Dahlquist, Moscoso, Goodman, Riccelli, Pollet, Ormsby and Freeman)

AN ACT Relating to refinancing of medicaid personal care services for individuals with developmental disabilities and individuals with long-term care needs through the community first choice option; and creating new sections.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### REMARKS BY THE PRESIDENT

President Owen: "As the President stated earlier, every year we have the privilege of having outstanding Scouts from across

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the state join us. And in that they present the annual report to the state recognizing the thousands of hours of volunteerism that they participate in projects. Making that report this year is, from the Chief Seattle Council, is Ryan Barr from Troop 171 in Seattle."

#### REMARK BY MR. RYAN BARR

Ryan Barr: "Good morning. My name is Ryan Barr and I'm an Eagle Scout with Boy Scout Troop 171 in Seattle Washington. I and nineteen other Eagle Scouts are here today representing the six Boy Scout Councils in our state. Collectively, we are here today to present the annual report to the State of Washington. This past year nearly sixty-three thousand young people in Washington State participated in Scouting programs with the mentorship of more than twenty thousand adults volunteers. Of these Scouts, twenty-six thousand seven hundred nineteen attended camp. A record of one thousand three hundred forty-nine achieved the pinnacle of scouting by earning the rank of Eagle in our state last year. The Boy Scouts of America was founded on the premise, to be a good citizen you must do for others. Since its inception, the Scouts and volunteers have committed to serving others at all times with enthusiasm and conviction. Over the years Scouts have also worked diligently to protecting the environment and learn the value of 'leave no trace.' Through these and many other efforts the Boy Scouts of American have established a tradition of service. In 2013 Washington State Scouts and volunteers donated more than three hundred twenty-seven hours of community service to our state. This volunteer time is valued nearly at 7.4 million dollars. By continuing to recruit quality leadership and finding youths from all backgrounds and circumstances to join and offering a fun and exciting program we seek to help ordinary young people become extraordinary adults. On behalf of the Boy Scout Councils in Washington State I would like to present Lieutenant Governor Brad Owen the copy of the 2014 report."

#### REMARKS BY THE PRESIDENT

President Owen: "As the President said, as demonstrated by the three hundred twenty-seven thousand hours of community service that you are a great asset to the state of Washington. Researches has demonstrated that when young people have something positive to contribute to and be involved in that they're less likely to get into negative behavior. The President would strongly urge all the Scouts that are here today to be mentors to other young people as you are examples to them and they will follow your lead. So, the President would like to recognize all of these outstanding Washington citizens that are with us today. So, if all the Scouts in the gallery would please stand and be recognized the President would appreciate it very much."

#### MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

#### MOTION

Senator Padden moved adoption of the following resolution:

#### SENATE RESOLUTION 8686

By Senators O'Ban, Pedersen, Angel, King, Baumgartner, Tom, Bailey, Honeyford, Parlette, Dansel, Becker, Braun, Hill, Hewitt, Erickson, Sheldon, Hasegawa, Keiser, Kohl-Welles, Cleveland, Liias, Rolfes, Hatfield, Hobbs, McCoy, Hargrove, Darneille,

Rivers, Dammeier, Kline, Conway, McAuliffe, Frockt, Billig, Chase, Fraser, Eide, Nelson, Padden, and Roach

WHEREAS, For his acts of heroism and selflessness, Captain William Swenson was awarded the Congressional Medal of Honor in 2013; and

WHEREAS, During his military service, William Swenson served as an adviser with the Afghan Border Police Mentor Team in support of the 1st Battalion, 32nd Infantry Regiment, 3rd Brigade Combat Team, and the 10th Mountain Division; and

WHEREAS, On September 8, 2009, Captain Swenson and others were engaged by anti-Afghan forces in the Ganjgal Valley within 100 meters of Ganjgal Village, forcing Captain Swenson to simultaneously return fire while directing troops where to go to provide cover fire for soldiers pinned down by the insurgents' initial volley; and

WHEREAS, Captain Swenson called for immediate suppression on preplanned targets and for smoke to cover the withdrawal of the lead element, but due to the close proximity of insurgent fighters and the unavailability of smoke, multiple indirect fire missions were unsuccessful in deterring the enemy's advance; and

WHEREAS, Enemy soldiers began moving to flank the forces pinned down behind terraces and in trenches, where Captain Swenson discovered his partner advisor and noncommissioned officer-in-charge, Sgt. 1st Class Kenneth Westbrook, who was hit in the face and chest and lay exposed in an open area; and

WHEREAS, Captain Swenson returned accurate fire and repelled the enemy, despite coming under direct fire that killed two adjacent soldiers and wounded another, and immediately began rendering first aid; and

WHEREAS, As the anti-Afghan forces began firing and calling for Swenson and his group to surrender, Swenson halted first aid just long enough to throw a grenade, eliminating the immediate threat to their position and forcing the enemy back, an act of resistance that inspired the pinned troops to rally, and their subsequent response disrupted the enemy attack and pushed them back beyond hand grenade range; and

WHEREAS, Captain Swenson helped carry his wounded partner, Westbrook, with rocket-propelled grenades striking close-by, across 200 meters of terraced open ground where they successfully loaded Westbrook into a waiting MedEvac helicopter which took him to the support hospital at Forward Operating Base Wright; and

WHEREAS, Swenson and others then manned unarmored vehicles and reentered the kill zone two times to evacuate wounded and bring them to the casualty collection point, while Swenson communicated via radio with the air support pilot attempting to determine the location of missing soldiers; and

WHEREAS, When it became clear that a third return to the combat zone with the unarmored vehicle would be impossible, Captain Swenson gathered all available combat power to lead a return to the kill zone using a small convoy of Humvees and armored trucks, an armored ABP truck, and two ANA vehicles; and

WHEREAS, Despite accurate rocket-propelled grenade and machine gun fire, Captain Swenson and others succeeded in rescuing and recovering several wounded and dead, but were forced by the volume of fire to drive past several marked positions deeper into the ambush; and

WHEREAS, Having finally verified the location of the last missing soldiers, Captain Swenson and others drove up through the kill zone one final time, successfully finding their comrades in a deep trench that had been impossible to see from ground angles during previous trips and recovered the bodies of their fallen comrades while providing covering fire; and

WHEREAS, Captain William Swenson, graduate of United States Army Ranger and Airborne School, received his commission as an Infantry Officer in 2002, and served courageously and with valor while stationed three times in Iraq and twice in Afghanistan; and

WHEREAS, For his bravery, Captain Swenson received numerous revered honors and awards including the Bronze Star Medal, the Purple Heart, and the Combat Infantry Badge; and

WHEREAS, He dutifully served as a mentor to members of the Afghan National Security Forces and was deservedly promoted to the esteemed position of Army captain; and

WHEREAS, Captain Swenson fought nobly and gallantly to protect and serve his country, fellow military men and women, and the Afghan and Iraqi people; and

WHEREAS, Captain Swenson always went above the call of duty, remained in control, and protected his fellow soldiers; and

WHEREAS, Captain Swenson eventually retired from military duty in 2011, settling in Seattle, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate humbly honor United States Army Captain William Swenson, who fought nobly and gallantly to protect his country and fellow soldiers and earned the distinguished Congressional Medal of Honor, for his bravery and sacrifice, and give due recognition for his courage, selflessness, and devotion to the United States of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to United States Army Captain William Swenson.

Senators O'Ban, Hobbs and Angel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

The motion by Senator Padden carried and the resolution was adopted by voice vote.

#### REMARKS BY THE PRESIDENT

President Owen: "The President had the great honor of introducing a lot of people in his career of many, many years. This has to be one of the most outstanding and moving moments that I've had to be able to present to you Medal of Honor recipient, Captain William Swensen."

#### REMARKS BY CAPTAIN WILLIAM SWENSEN

Captain William Swensen: "Lieutenant Governor, Senator O'Ban, members of the Senate. First off, thank you very much for having me out here today. Washington State, as I continually have to remind some East Coasters, is Washington State. This is my home. This is where my heart is. This is what I fight for. You take care of it. And now I sit in a room with people who share a very similar trait to my own. I'm beginning to like to hear myself talk. In all seriousness, my battle ended several years ago but my responsibilities do carry on, my responsibilities to carry on the memories of my fallen colleagues, to carry on the responsibility of reminding the American people that we still have service members down range and to remind the American people that we have veterans who are home but their battles continue. You sitting in this body have a responsibility as well to those veterans and those service members that reside in Washington State. And I ask you to always remember that as you sit here in this room that some of our members have come home and still need continued help. So, I'll do my part to remind Washington State and the American people of what their responsibility is to our veterans and our service members but I ask you to continue doing the

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same. So, again, thank you for having me here today. Thank you for giving me the chance to talk. This is really a privilege. Thank you.”

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Ericksen moved that Debbie J Ahl, Gubernatorial Appointment No. 9241, be confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

Senator Ericksen spoke in favor of the motion.

MOTION

On motion of Senator Billig, Senator Eide was excused.

MOTION

On motion of Senator Rivers, Senator Sheldon was excused.

APPOINTMENT OF DEBBIE J AHL

The President declared the question before the Senate to be the confirmation of Debbie J Ahl, Gubernatorial Appointment No. 9241, as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Debbie J Ahl, Gubernatorial Appointment No. 9241, as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O’Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senator Baumgartner

Excused: Senator Eide

Debbie J Ahl, Gubernatorial Appointment No. 9241, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

On motion of Senator Fain, Senator Baumgartner was excused.

MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6077, by Senators Benton and Sheldon

Modifying the use of storm water control facility rate charges.

The measure was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 6077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Ericksen spoke in favor of passage of the bill.

Senators McCoy, Liias, Fraser and Hasegawa spoke against passage of the bill.

Senator Pedersen spoke on final passage of the bill.

MOTION

On motion of Senator Nelson, Senator Chase was excused.

POINT OF INQUIRY

Senator Padden: “Would the gentleman from the Seventeenth District yield to a question? Senator, does this legislation, 6077, remove money that’s supposed to go to fight the storm water problem?”

Senator Benton: “Thank you for your question Senator Padden. Absolutely not. The previous speaker is mistaken and maybe the bill report is incorrect but perhaps there’s not a clear understanding of how these funds work. All clean water fees pay into the clean water system, whether they’re from commercial, residential or DOT, are paid into what is called an enterprise fund. State law protects all of that money and it can only be used for clean water activities. This money is no different. It doesn’t do anything about this money. There’s a state statute that was put into effect when these laws were passed many years ago that wanted to make sure that this money was used, that the state paid, was only used for state owned facilities. There is no longer a need for that and that we’re built out and all these facilities feed into the same storm water system. So, setting money aside that can only be used for DOT storm water facility is not necessary and it ties the hands of local government. So, the money is not being diverted to anything else. It is still going to be used for storm water. So, it is inaccurate to portray this bill as a bill that stops this money from being used from storm water. That is not the case. I know that’s hard to believe based on the sponsor of the bill but the fact of the matter is this is a great bill that helps local governments do a better job managing their storm water facilities and not one dime, not one dime is removed from the intended purpose of the money and that is to manage storm water runoff. Thank you Mr. President.”

MOTION TO LIMIT DEBATE

Senator Fain: “Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through February 18, 2014.”

The President declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through February 18, 2014 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6077.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6077 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen and Rolfes

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6194, by Senators Dansel, Sheldon, Schoesler, Rivers, King, Benton, Brown, Braun, Angel, Padden, Bailey, Becker, Honeyford, Roach, Dammeier, Baumgartner, Holmquist Newbry and Hatfield

Providing a process for county legislative authorities to withdraw from voluntary planning under the growth management act.

The measure was read the second time.

#### MOTION

Senator Hasegawa moved that the following amendment by Senators Dansel and Hasegawa be adopted:

On page 6, after line 20, insert the following:

(d)(i) Any county that adopts a resolution of removal under RCW 36.70A.040(2)(b) that is not in compliance with the planning requirements of RCW 36.70A.060, RCW 36.70A.170, RCW 36.70A.172, RCW 36.70A.060(1), RCW 36.70A.070, RCW 36.70A.040(4), and RCW 36.70A.070(5) at the time the resolution is adopted shall have until June 30, 2017 to obtain approval from the department of commerce of critical areas ordinances, development regulations, and comprehensive plans under RCW 36.70A.060, RCW 36.70A.170, RCW 36.70A.172, RCW 36.70A.060(1), RCW 36.70A.070, RCW 36.70A.040(4), and RCW 36.70A.070(5).

(ii) Counties described in subsection (d)(i) above that do not receive approval by the department of commerce by June 30, 2017 shall return to the planning requirements of RCW 36.70A.040.

(iii) Approval decisions by the department of commerce under this subsection may be appealed to the growth management hearings board.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Hasegawa, Dansel and Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Dansel and Hasegawa on page 6, after line 20 to Senate Bill No. 6194.

The motion by Senator Hasegawa carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Dansel, the rules were suspended, Engrossed Senate Bill No. 6194 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dansel and Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6194.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6194 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

At 10:05 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:45 a.m. by President Owen.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed representatives of the Washington State Alzheimer's Association who were seated in the gallery.

#### PARLIAMENTARY INQUIRY

Senator Rolfes: "Mr. President, we have not seen an order of consideration yet. Will one be sent out to floor members?"

#### REPLY BY THE PRESIDENT

President Owen: "You're working off the one that was handed out earlier."

#### SECOND READING

SENATE BILL NO. 6150, by Senators Bailey, Hobbs, Angel, Benton, Conway, O'Ban, Roach and McAuliffe

Concerning Medal of Honor special license plates.

THIRTY SEVENTH DAY, FEBRUARY 18, 2014

2014 REGULAR SESSION

MOTIONS

On motion of Senator Bailey, Substitute Senate Bill No. 6150 was substituted for Senate Bill No. 6150 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Bailey, the rules were suspended, Substitute Senate Bill No. 6150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Bailey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6150.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6150 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5956, by Senators Hatfield, Sheldon and Braun

Concerning short-barreled rifles.

The measure was read the second time.

MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 5956 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5956.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5956 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson,

Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 5956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5514, by Senators Roach and Benton.

Concerning utility rates and charges for vacant mobile home lots in manufactured housing communities.

The bill was read on Third Reading.

MOTION

On motion of Senator Roach, the rules were suspended and Senate Bill No. 5514 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5514, by Senators Roach and Benton

Concerning utility rates and charges for vacant mobile home lots in manufactured housing communities.

The measure was read the second time.

MOTION

Senator Roach moved that the following amendment by Senator Roach and others be adopted:

On page 1, beginning on line 13, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 3, line 20, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 4, line 33, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 6, line 22, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 8, line 20, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 10, line 10, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 11, line 29, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 12, line 35, after "charged", strike "to a mobile home", and insert "for any vacant".

On page 13, beginning on line 31, after "charged", strike "to a mobile home", and insert "for any vacant".

Senators Roach and Hasegawa spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach and others on page 1, line 13 to Senate Bill No. 5514.

The motion by Senator Roach carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5514 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Fraser spoke in favor of passage of the bill.

## MOTION

On motion of Senator Rivers, Senator Holmquist Newbry was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5514.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5514 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Angel, Frockt and Nelson

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 5514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6328, by Senators Roach and Kline

Concerning deferred compensation plans.

The measure was read the second time.

## MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6328 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6328.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6328 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford,

Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators O'Ban, Rolfes, Ericksen, Ranker, Sheldon, Benton, Baumgartner, Schoesler, Braun, Fain, Parlette, Holmquist Newbry, Chase, Kohl-Welles, Frockt and Kline

Requesting Congress implement certain increased safety measures for tank rail cars.

The measure was read the second time.

## MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators O'Ban and McCoy spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8015.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8015 and the memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed.

## MOTION

On motion of Senator Fain, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

## MOTION

At 12:19 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

THIRTY SEVENTH DAY, FEBRUARY 18, 2014

2014 REGULAR SESSION

The Senate was called to order at 12:57 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6284, by Senators Hill and Frockt

Regarding expenditures from the public health supplemental account.

The measure was read the second time.

MOTION

On motion of Senator Hill, the rules were suspended, Senate Bill No. 6284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hill spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6284.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6284 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Absent: Senators Benton, Hobbs, Kline and McAuliffe

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Ranker: "Thank you Mr. President. I can recognize from the absentees on this last vote that many people, like I, might have had a Hargrove hamburger and maybe even a potato. So, we got potatoes on the second floor on the third floor. We've got Hargrove hamburgers on the second floor. So, I just wanted to point out that, for those of you that drop in cardiac arrest I've got a life pack defibrillator here from the carb overload. So, we're prepared and ready for you so take care."

Senator Sheldon, the President Pro Tempore assumed the chair.

SECOND READING

SENATE BILL NO. 6283, by Senators Becker, Bailey and Keiser

Clarifying the practice of a phlebotomist.

MOTIONS

On motion of Senator Becker, Substitute Senate Bill No. 6283 was substituted for Senate Bill No. 6283 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Becker, the rules were suspended, Substitute Senate Bill No. 6283 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Becker and Pedersen spoke in favor of passage of the bill.

MOTION

On motion of Senator Billig, Senators Hobbs and Kline were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6283.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6283 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6060, by Senators Angel, Bailey, Schoesler and Roach

Concerning certain public water systems.

MOTIONS

On motion of Senator Angel, Substitute Senate Bill No. 6060 was substituted for Senate Bill No. 6060 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Angel, the rules were suspended, Substitute Senate Bill No. 6060 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Angel and McCoy spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6060.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6060 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide  
 SUBSTITUTE SENATE BILL NO. 6060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6122, by Senators O'Ban, Conway, Dammeier, Darneille, Angel, Litzow and McAuliffe

Concerning long-term planning for developmental disabilities services.

The measure was read the second time.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 6122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6122.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6122 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6011, by Senators Padden, Pearson, Hewitt, Brown and O'Ban

Increasing penalties for random assaults.

The measure was read the second time.

#### MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Padden and Darneille spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6011.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Frockt, Kline, Liias, McCoy, Mullet and Pedersen

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6445, by Senators Roach and Kline

Amending the definition of uniformed personnel for the purposes of public employees' collective bargaining.

The measure was read the second time.

#### MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 6445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Conway spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 6445.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6445 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Eide

THIRTY SEVENTH DAY, FEBRUARY 18, 2014

2014 REGULAR SESSION

SENATE BILL NO. 6445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Kohl-Welles and Padden spoke in favor of passage of the bill.

#### SECOND READING

SENATE BILL NO. 5334, by Senator Hewitt

Concerning public facilities' grants and loans.

#### MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5334 was substituted for Senate Bill No. 5334 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5334 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hewitt and Hatfield spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5334.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5334 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6017, by Senators Kohl-Welles, O'Ban, Darneille, Padden, Kline, Keiser, Dammeier and Fraser

Modifying seizure and forfeiture provisions. Revised for 1st Substitute: Concerning the use of proceeds from seizure and forfeiture activities from sexual exploitation of children and promoting prostitution.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6017 was substituted for Senate Bill No. 6017 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6017.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6017 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5872, by Senator Hill

Relating to state government. Revised for 1st Substitute: Creating a state agency innovation and efficiency grant program.

#### MOTIONS

On motion of Senator Hill, Substitute Senate Bill No. 5872 was substituted for Senate Bill No. 5872 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hill, the rules were suspended, Substitute Senate Bill No. 5872 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hill and Hargrove spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5872.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5872 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6418, by Senators Litzow, Fain, Dammeier, Angel, Tom, Bailey, Becker and Mullet

Creating flexibility for the educator retooling conditional scholarship program.

## MOTIONS

On motion of Senator Litzow, Substitute Senate Bill No. 6418 was substituted for Senate Bill No. 6418 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Litzow, the rules were suspended, Substitute Senate Bill No. 6418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Litzow spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6418.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6418 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frocky, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6549, by Senators Hobbs, Hatfield and Pearson

Creating demonstration projects for preserving agricultural land and public infrastructure in flood plains.

The measure was read the second time.

## MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs and others be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.23 RCW to read as follows:

(1) The legislature intends that the state conservation commission and the departments of ecology, agriculture, fish and wildlife, and natural resources work together cooperatively, efficiently, and productively to facilitate the expeditious construction of two demonstration projects. The legislature expects that the joint and contemporaneous participation of all these

state agencies will expedite the permitting of these demonstration projects. The legislature further intends that the collaborative process that the stakeholder group creates, including local stakeholders among others, will be used as a model for river management throughout the state.

(2) The legislature finds that the excessive accumulation of sediment and gravel in certain rivers of the state poses a threat to farmland and to the recovery or enhancement of certain fish populations. The legislature also finds that the failure to manage sediment and gravel accumulation has contributed to erosion and resulted in the loss of productive farmland and mature treed riparian zones that cool the waters, flooding in residential areas, loss of recreational access to rivers, and loss of public infrastructure.

(3) The state conservation commission and the departments of agriculture, natural resources, fish and wildlife, and ecology must jointly identify and implement two demonstration projects that test the effectiveness and costs of river management by using various sediment management strategies and techniques as applied to accomplish the following goals:

- (a) Protection of agricultural lands;
- (b) Restoration or enhancement of fish runs; and
- (c) Protection of public infrastructure and recreational access.

(4)(a) The state conservation commission must convene a stakeholder group consisting of the departments of agriculture, natural resources, fish and wildlife, and ecology, local and statewide agricultural organizations, tribes, land conservation organizations, and local governments with interest and experience in the use of sediment management techniques to provide for flood control. The stakeholder group must develop and implement two demonstration projects, one located in Whatcom county and one located in Grays Harbor county.

(b) In developing and implementing these demonstration projects, the departments must examine sediment management conducted in the Fraser river, British Columbia, Canada and include any potentially applicable practices in the demonstration projects.

(c) The departments must: (i) Examine and find whether and how the Fraser river experience applies to the goals of this act; and (ii) set benchmarks and a timetable for progress toward achievement of the goals of this act.

(d) Any gravel resources removed as a result of these pilot projects must be: (i) Used at the departments' discretion in projects related to fish programs in the local area of the project or by property owners adjacent to the project; (ii) made available to a local tribe for its use; or (iii) sold and the proceeds applied to funding the demonstration projects.

(5) At a minimum, the pilot projects must include the following sediment management strategies and techniques:

(a) At all times of sediment or gravel removal, a person must be on hand to observe that the practices follow established pilot project protocols and protect fish life;

(b) Gravel or sediment may not be removed at times when fish runs are known to be in the river; and

(c) Reasonable steps must be taken to reduce turbidity resulting from gravel and sediment removal activities.

(6) The departments must consider other sediment management strategies and techniques including, but not limited to, the following:

(a) Reducing turbidity caused by year-round stream bank erosion that is caused by accumulation of excess sediment and gravel that changes the river course;

(b) Providing deeper, cooler holes for fish life;

(c) Providing deeper river channels for fish passage;

(d) Ensuring that any management activities leave sufficient gravel and sediment for fish spawning and rearing;

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(e) Providing stable river banks that will allow for long-term growth of riparian enhancement efforts, such as planting shade trees and hedgerows;

(f) Protecting existing mature treed riparian zones that cool the waters;

(g) Removing excess sediment and gravel that causes diversion of water and erosion of river banks and farmland;

(h) Restoring previously existing bank contours that protect the land from erosion caused by more intense and more frequent flooding; and

(i) Developing management practices that reduce the amount of gravel, sediment, and woody debris deposited into farm fields.

(7) The departments must report to the legislative committees with oversight of agriculture, water, rural economic development, ecology, fish and wildlife, and natural resources by December 31, 2014, on: (a) Their examination and findings of the applicability of the Fraser river experience to the goals of this act; (b) their progress toward setting benchmarks and meeting the stakeholder group's timetable; (c) any decisions made in implementing the projects; and (d) agency recommendations for funding of the projects from federal grants, federal loans, state grants and loans, and private donations, or if other funding sources are not available or complete, submitting the two projects for consideration in the biennial capital budget request to the governor and the legislature. The departments must report annually thereafter by December 31st of each year.

(8) The stakeholder group must be staffed jointly by the departments. Costs of the stakeholder group, including staffing, must be borne jointly by the departments."

Senator Hobbs spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others to Senate Bill No. 6549.

The motion by Senator Hobbs carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "plains;" strike the remainder of the title and insert "and adding a new section to chapter 43.23 RCW."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Senate Bill No. 6549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6549.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6549 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford,

Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6453, by Senators Dammeier and Keiser

Concerning each area agency on aging's oversight of timekeeping with regard to case management services. Revised for 1st Substitute: Concerning verification of hours worked through electronic timekeeping by area agencies on aging and home care agencies.

MOTIONS

On motion of Senator Dammeier, Substitute Senate Bill No. 6453 was substituted for Senate Bill No. 6453 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Dammeier, the rules were suspended, Substitute Senate Bill No. 6453 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier and Pedersen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6453.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6453 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the chair.

SECOND READING

SENATE BILL NO. 6553, by Senators Kline, Hobbs, Hatfield and Fain

Concerning the distribution of real property sale proceeds.

The measure was read the second time.

## MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted:

On page 2, line 31, after "property" insert "as determined by the court"

On page 3, after line 13, insert the following:

"Sec. 2 RCW 61.24.080 and 1998 c 295 s 10 are each amended to read as follows:

The trustee shall apply the proceeds of the sale as follows:

(1) To the expense of sale, including a reasonable charge by the trustee and by his or her attorney: PROVIDED, That the aggregate of the charges by the trustee and his or her attorney, for their services in the sale, shall not exceed the amount which would, by the superior court of the county in which the trustee's sale occurred, have been deemed a reasonable attorney fee, had the trust deed been foreclosed as a mortgage in a noncontested action in that court;

(2) To the obligation secured by the deed of trust; and

(3) The surplus, if any, less the clerk's filing fee, shall be deposited, together with written notice of the amount of the surplus, a copy of the notice of trustee's sale, and an affidavit of mailing as provided in this subsection, with the clerk of the superior court of the county in which the sale took place. The trustee shall mail copies of the notice of the surplus, the notice of trustee's sale, and the affidavit of mailing to each party to whom the notice of trustee's sale was sent pursuant to RCW 61.24.040(1). The clerk shall index such funds under the name of the grantor as set out in the recorded notice. Upon compliance with this subsection, the trustee shall be discharged from all further responsibilities for the surplus. Interests in, or liens or claims of liens against the property eliminated by sale under this section shall attach to the surplus in the order of priority that it had attached to the property, as determined by the court. A party seeking disbursement of the surplus funds shall file a motion requesting disbursement in the superior court for the county in which the surplus funds are deposited. Notice of the motion shall be personally served upon, or mailed in the manner specified in RCW 61.24.040(1)(b), to all parties to whom the trustee mailed notice of the surplus, and any other party who has entered an appearance in the proceeding, not less than twenty days prior to the hearing of the motion. The clerk shall not disburse such surplus except upon order of the superior court of such county.

Senators Kline and Angel spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 31 to Senate Bill No. 6553.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "6.21.110" insert "and 61.24.080"

## MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6553 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6553.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6553 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6237, by Senators Honeyford, Hewitt, Kohl-Welles, Hatfield and Hobbs

Addressing license issuance fees imposed on spirits retail licensees. Revised for 1st Substitute: Concerning license issuance fees imposed on former contract liquor stores.

## MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6237 was substituted for Senate Bill No. 6237 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes be adopted:

On page 3, line 4, after "serve" insert "or the applicant is an independent small grocer or general store as identified by the liquor control board"

On page 1, beginning on line 1 of the title, after "Relating to" strike "license issuance fees imposed on former contract liquor stores" and insert "spirits retail licensees"

Senator Rolfes spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rolfes on page 3, line 4 to Substitute Senate Bill No. 6237.

The motion by Senator Rolfes failed and the amendment was not adopted by voice vote.

## MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 4, after line 8 insert the following:

"(iv) This subsection 4(b) applies only to former contract liquor store managers and does not apply to their successors."

Renumber the remaining sections consecutively and correct any internal references accordingly.

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Senator Hasegawa spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 4, after line 8 to Substitute Senate Bill No. 6237.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6237.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6237 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Becker, Benton, Brown, Conway, Dammeier, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Honeyford, Keiser, King, Kohl-Welles, Litzow, McAuliffe, Nelson, O'Ban, Parlette, Pearson, Ranker, Rivers, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Bailey, Billig, Braun, Chase, Cleveland, Dansel, Darneille, Ericksen, Hargrove, Holmquist Newbry, Kline, Liias, McCoy, Mullet, Padden, Pedersen and Roach

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6273, by Senators Hobbs, Benton and Mullet

Revising provisions governing money transmitters.

#### MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 6273 was substituted for Senate Bill No. 6273 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 6273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Angel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6273.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6273 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6041, by Senators Hargrove, Pearson, Rolfes, Hewitt and Sheldon

Regarding fish and wildlife law enforcement.

#### MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6041 was substituted for Senate Bill No. 6041 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Liias and Pearson be adopted: Beginning on page 12, line 11, strike all of sections 5 and 6 and insert the following:

"Sec. 5. RCW 77.15.120 and 2000 c 107 s 236 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if:

(a) The person hunts for, fishes for, possesses, maliciously harasses, or kills fish or wildlife, or ((maliciously)) possesses or intentionally destroys the nests or eggs of fish or wildlife ((and));

(b) The fish or wildlife is designated by the commission as endangered((s)); and

(c) The taking of the fish or wildlife or the destruction of the nests or eggs has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the ~~((killing, possessing, harassing, or harming))~~ taking, possessing, or malicious harassment of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title to be suspended for two years.

Sec. 6. RCW 77.15.130 and 2012 c 176 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts for, fishes for, maliciously takes, harasses, or possesses ~~(or maliciously kills protected)~~ fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of ~~(protected)~~ fish or wildlife designated by the commission as protected, other than species designated as threatened or sensitive, and the taking has not been authorized by rule of the commission; ~~((e))~~

(b) The person violates any rule of the commission regarding the taking, ~~((harming, harassment))~~ harassing, possession, or transport of protected fish or wildlife; or

(c)(i) The person hunts for, fishes for, intentionally takes, harasses, or possesses fish or wildlife, or the person possesses or intentionally destroys the nests or eggs of fish or wildlife designated by the commission as threatened or sensitive; and

(ii) The taking of the fish or wildlife, or the destruction of the nests or eggs, has not been authorized by rule of the commission.

(2) Unlawful taking of protected fish or wildlife is a misdemeanor.

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of protected wildlife listed in this subsection, the court shall require payment of the following amounts for each animal ~~((killed))~~ taken or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

(a) Ferruginous hawk, two thousand dollars;

(b) Common loon, two thousand dollars;

(c) Bald eagle, two thousand dollars;

(d) Golden eagle, two thousand dollars; and

(e) Peregrine falcon, two thousand dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and ~~((separately))~~ severally.

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the hunting license and suspend the hunting privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the trier of fact determines that the person ~~((killed))~~ took or possessed the protected wildlife in question with the intent of

bartering, selling, or otherwise deriving economic profit from the wildlife or wildlife parts."

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Liias and Pearson on page 12, line 11 to Substitute Senate Bill No. 6041.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6041.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6041 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6041, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6558, by Senators O'Ban and Darneille

Concerning intensive home and community-based mental health services for medicaid-eligible children.

#### MOTIONS

On motion of Senator O'Ban, Substitute Senate Bill No. 6558 was substituted for Senate Bill No. 6558 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator O'Ban, the rules were suspended, Substitute Senate Bill No. 6558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6558.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6558 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6333, by Senators Schoesler and Hargrove

Concerning tax statute clarifications, simplifications, and technical corrections.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 6333 was substituted for Senate Bill No. 6333 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 6333 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon, President Pro Tempore assumed the chair.

Senator Schoesler spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6333.

ROLL CALL

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6333 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5889, by Senators Nelson, Schlicher, Fain, Hatfield, Hewitt, Fraser and Kohl-Welles

Modifying snowmobile parking permit and license fees. Revised for 1st Substitute: Modifying snowmobile license fees.

MOTION

On motion of Senator Nelson, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Nelson moved that the following striking amendment by Senators Parlette and Nelson be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.17.350 and 2013 2nd sp.s. c 23 s 19 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$ <del>((30.00))</del> <u>40.00</u>	\$ <del>((30.00))</del> <u>40.00</u>	RCW 46.68.350
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$12.00	\$12.00	RCW 46.09.540
(s) Wheeled all-terrain vehicle, off-road use	\$18.00	\$18.00	RCW 46.09.510

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under RCW 46.17.005, and any other fee or tax required by law.

**Sec. 2.** RCW 46.17.350 and 2013 2nd sp.s. c 23 s 19 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$ <del>((30.00))</del> <u>50.00</u>	\$ <del>((30.00))</del> <u>50.00</u>	RCW 46.68.350
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$12.00	\$12.00	RCW 46.09.540

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(s) Wheeled all-terrain vehicle,  
off-road use

\$18.00

\$18.00

RCW 46.09.510

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under RCW 46.17.005, and any other fee or tax required by law.

**NEW SECTION. Sec. 3.** Section 1 of this act applies to snowmobile registrations that are due on or after October 1, 2014. Section 1 of this act expires October 1, 2015.

**NEW SECTION. Sec. 4.** Section 2 of this act applies to snowmobile registrations that are due on or after October 1, 2015. Section 2 of this act takes effect October 1, 2015."

Senators Nelson and Parlette spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Parlette and Nelson to Substitute Senate Bill No. 5889.

The motion by Senator Nelson carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 46.17.350 and 46.17.350; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Nelson, the rules were suspended, Engrossed Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nelson, Parlette and Angel spoke in favor of passage of the bill.

Senator Roach spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5889.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hill, Hobbs, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Dansel, Ericksen, Hewitt, Holmquist Newbry, Padden, Pearson, Rivers and Roach

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President resumed the chair.

SECOND READING

SENATE BILL NO. 6226, by Senators Holmquist Newbry, King, Conway, Hewitt and Kohl-Welles

Concerning sales by craft and general licensed distilleries of spirits for off-premise consumption and spirits samples for on-premise consumption.

MOTIONS

On motion of Senator Holmquist Newbry, Substitute Senate Bill No. 6226 was substituted for Senate Bill No. 6226 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Holmquist Newbry, the rules were suspended, Substitute Senate Bill No. 6226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holmquist Newbry and Conway spoke in favor of passage of the bill.

Senator Darneille spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6226.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6226 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dansel, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dammeier, Darneille, Hargrove, O'Ban, Padden and Pearson

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6010, by Senator Padden

Establishing penalties for altered or shaved keys.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline, Pedersen and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.52.060 and 2011 c 336 s 371 are each amended to read as follows:

(1) Every person who shall make or mend or cause to be made or mended, or have in his or her possession, any engine, machine,

tool, false key, pick lock, bit, nippers, up to ten altered or shaved keys, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.

(2) Making or having burglar tools is a gross misdemeanor.

**Sec. 2.** RCW 9A.56.063 and 2007 c 199 s 18 are each amended to read as follows:

(1) Any person who makes or mends, or causes to be made or mended, uses, or has in his or her possession any motor vehicle theft tool, that is adapted, designed, or commonly used for the commission of motor vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of motor vehicle theft, or knowing that the same is intended to be so used, is guilty of making or having motor vehicle theft tools.

(2) For the purpose of this section, motor vehicle theft tool includes, but is not limited to, the following: Slim jim, false master key, master purpose key, up to ten altered or shaved keys, trial or jiggler key, slide hammer, lock puller, picklock, bit, nipper, any other implement shown by facts and circumstances that is intended to be used in the commission of a motor vehicle related theft, or knowing that the same is intended to be so used.

(3) For the purposes of this section, the following definitions apply:

(a) "False master" or "master key" is any key or other device made or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.

(b) "Altered or shaved key" is any key so altered, by cutting, filing, or other means, to fit multiple vehicles or vehicles other than the vehicles for which the key was originally manufactured.

(c) "Trial keys" or "jiggler keys" are keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(4) Making or having motor vehicle theft tools is a gross misdemeanor."

On page 1, line 1 of the title, after "keys;" strike the remainder of the title and insert "amending RCW 9A.52.060 and 9A.56.063; and prescribing penalties."

Senator Kline spoke in favor of adoption of the striking amendment.

Senator Padden spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline, Pedersen and Darneille to Senate Bill No. 6010.

The motion by Senator Kline failed and the striking amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Padden, the rules were suspended, Senate Bill No. 6010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6010.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6010 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Litzow, McAuliffe, McCoy, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Chase, Cleveland, Frockt, Hasegawa, Hatfield, Kline, Kohl-Welles, Liias, Mullet, Nelson, Pedersen and Ranker

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Billig, Senator Hargrove was excused.

#### SECOND READING

SENATE BILL NO. 6338, by Senators Dammeier, Darneille, Angel, Keiser, Honeyford and Tom

Giving preferences to housing trust fund projects that involve collaboration between local school districts and housing authorities to help children of low-income families succeed in school.

The measure was read the second time.

#### MOTION

On motion of Senator Dammeier, the rules were suspended, Senate Bill No. 6338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dammeier, Darneille and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6338.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6338 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

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SENATE BILL NO. 6501, by Senators Ericksen and Darneille

Concerning used oil recycling.

The measure was read the second time.

MOTION

Senator Ericksen moved that the following amendment by Senators Ericksen and Darneille be adopted: On page 4, beginning on line 1, after "chapter" strike all material through "section." on line 14 and insert "43.21A RCW to read as follows:

(1) Cities and counties may submit a petition for relief to the department for reimbursement of extraordinary costs associated with managing unforeseen consequences of used oil contaminated with polychlorinated biphenyl and compliance with United States environmental protection agency enforcement orders and enforcement-related agreements.

(2) The department, in consultation with city and county moderate risk waste coordinators, the United States environmental protection agency, and other stakeholders must: Use updated best management practices guidelines for the collection and management of used oil for prioritizing and processing the petitions; ensure best management practices for preventing and managing polychlorinated biphenyl contamination, as required under RCW 70.95I.030, are met; and determine if costs for disposal or compliance are extraordinary. Prioritization of the petitions must be based on, but not limited to, such factors as disposal costs, costs to meet United States environmental protection agency enforcement orders or enforcement related agreements, and whether the costs are extraordinary and could not be reasonably accommodated and anticipated in accordance with the best management practices for oil contaminated with polychlorinated biphenyl in the normal budget process.

(3) Before January 1st of each year, the department must develop and submit to the appropriate fiscal committees of the senate and house of representatives a prioritized list of submitted petitions that are recommended for funding by the legislature, if funded, costs must be reimbursed from the model toxics control accounts."

Senators Ericksen and Darneille spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Ericksen and Darneille on page 4, line 1 to Senate Bill No. 6501.

The motion by Senator Ericksen carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "chapter" strike "70.95I" and insert "43.21A"

MOTION

On motion of Senator Ericksen, the rules were suspended, Engrossed Senate Bill No. 6501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Darneille spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6501.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6501 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator McCoy

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 6501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6388, by Senator Padden

Concerning pass-through wholesale food distributors.

MOTION

On motion of Senator Padden, Substitute Senate Bill No. 6388 was substituted for Senate Bill No. 6388 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following striking amendment by Senators Padden and Conway be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the availability of affordable, fresh, and nourishing foods is essential for individuals to maintain a healthy lifestyle. The legislature also finds that new methods of purchasing and delivering fresh, nourishing foods are emerging and lowering the costs of these foods. The legislature further finds that the new business models for purchasing and delivering fresh, nourishing foods are being inappropriately classified as food service establishments. Therefore, it is the intent of the legislature to establish a pass-through food distributor license for businesses that sell and collect payment only through a web site for prepackaged foods obtained from a food processor either licensed or inspected, or both, by a state or federal regulatory agency and that deliver the food directly to consumers without any interim storage.

**NEW SECTION. Sec. 2.** A new section is added to chapter 69.04 RCW to read as follows:

(1) The department shall issue a license to operate as a pass-through wholesale food distributor to any entity that:

(a) Submits a completed application on forms approved by the department;

(b) Provides the department with a list of all leased, rented, or owned vehicles used by the applicant's business to deliver food;

(c) Maintains food temperature logs or uses a device to monitor the temperature of the packages in real time for all food while in transport; and

(d) Submits all the appropriate fees to the department.

(2) By rule, the department shall develop an annual license and renewal fee to defray the costs of administering the licensing and inspection program created by this section. All moneys received by the department under the provisions of this section must be paid into the food processing inspection account within the agricultural local fund and must be used solely to carry out the provisions of this section.

(3) A licensed pass-through wholesale food distributor shall protect food from contamination while in transport. Food must be transported under conditions that protect food against physical, chemical, and microbial contamination, as well as against deterioration of the food and its container. This includes, but is not limited to, the separation of raw materials in such a fashion that they avoid cross-contamination of other food products, particularly ready-to-eat food. For example, during the transport of raw fish and seafood, meat, poultry, and other food which inherently contains pathogenic and spoilage microorganisms, as well as soil and other foreign material, must not come into direct contact with other food in the same container or in any other cross-contaminating circumstance.

(4) In the event of a food recall or when required by the department, a federal, state, or local health authority in response to a food borne illness outbreak, a licensed pass-through food distributor shall use its client listserv to notify customers of the recall and any other relevant information.

(5) The department shall:

(a) Conduct inspections of vehicles used by the entity, storage, food handling areas, refrigeration equipment, and product packaging used by the entity;

(b) Audits of temperature logs and other food handling records as appropriate;

(c) Investigate any complaints against a licensed pass-through wholesale food distributor for the failure to maintain food safety; and

(d) Adopt rules, in consultation with the department of health and local health jurisdictions, necessary to administer and enforce the program consistent with federal regulations.

(6) For the purposes of this section:

(a) "Department" means the department of agriculture.

(b) "Pass-through food distributor" means an entity that receives prepackaged food from a food processor either licensed or inspected, or both, by a state or federal regulatory agency or department and that delivers the food directly to consumers who only placed and paid for an order on the entity's web site, without opening the packaging and without dividing it into smaller packages and no interim storage by the pass-through food distributor, and is delivered, by means of vehicles that are equipped with either refrigeration or freezer units, or both, and that meet the requirements of rules authorized by this chapter. "Pass-through food distributor" includes an entity that, prior to delivery to the consumer, temporarily stores the prepackaged food in a food storage facility either licensed or inspected, or both, by a state or federal regulatory agency or department.

(7) Pass-through food distributors that have a license from the department under section 2 of this act are exempt from the permitting requirements of food service rules adopted by the state board of health and any local health jurisdiction."

Senators Padden and Conway spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Padden and Conway to Substitute Senate Bill No. 6388.

The motion by Senator Padden carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "pass-through food distributors; adding a new section to chapter 69.04 RCW; and creating a new section."

#### MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute Senate Bill No. 6388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6388.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6388 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senator Hasegawa

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6052, by Senators Honeyford, Hargrove, Schoesler, Sheldon, Brown, Rivers, Pearson and Angel

Concerning habitat and recreation land acquisitions.

#### MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 6052 was substituted for Senate Bill No. 6052 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford and others be adopted:

Strike everything after the enacting clause and insert the following:

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"Sec. 1. RCW 79A.25.260 and 2012 c 128 s 1 are each amended to read as follows:

(1) The habitat and recreation lands coordinating group is established. The group must include representatives from the office, the state parks and recreation commission, the department of natural resources, and the department of fish and wildlife. The members of the group must have subject matter expertise with the issues presented in this section. Representatives from appropriate stakeholder organizations and local government must also be considered for participation on the group, but may only be appointed or invited by the director.

(2) To ensure timely completion of the duties assigned to the group, the director shall submit yearly progress reports to the office of financial management and the appropriate committees of the senate and house of representatives.

(3) The group must:

(a) Review agency land acquisition and disposal plans and policies to help ensure statewide coordination of habitat and recreation land acquisitions and disposals;

(b) ~~(Produce)~~ Provide an interagency, statewide biennial forecast report of habitat and recreation land acquisition and disposal plans to the office of financial management and the appropriate committees of the senate and house of representatives by November 1st of each even-numbered year. At a minimum, the forecast report must include:

(i) The anticipated costs of purchasing each proposed property to be acquired and the sources of funding for the acquisition;

(ii) The number of acres planned for each acquisition;

(iii) The purposes and intended uses of each property to be acquired;

(iv) A set of detailed and measurable goals for each acquisition;

(v) A plan to track whether each acquisition is meeting the identified goals; and

(vi) The plan for operation and maintenance of each acquisition, including:

(A) The ongoing and one-time projects associated with operation and maintenance of each property;

(B) The anticipated and range of potential operating and capital costs, including payment in lieu of taxes, associated with the operation and maintenance of each property; and

(C) The anticipated funding sources for the operating and capital costs;

(c) Establish procedures for publishing the biennial forecast of acquisition and disposal plans on web sites or other centralized, easily accessible formats;

(d) Develop and convene ~~((an annual))~~ a biennial forum for agencies to coordinate their near-term acquisition and disposal plans;

(e) Develop a recommended method for interagency geographic information system-based documentation of habitat and recreation lands in cooperation with other state agencies using geographic information systems;

(f) Develop recommendations for standardization of acquisition and disposal recordkeeping, including identifying a preferred process for centralizing acquisition data;

(g) Develop an approach for monitoring the success of acquisitions. At a minimum, the approach must include providing a biennial monitoring report to the office of financial management and the appropriate committees of the senate and house of representatives by July 1st of each odd-numbered year. The report must include recent acquisition projects and must include:

(i) The purchase cost and sources of funding;

(ii) The number of acres acquired;

(iii) The actual and anticipated operations and maintenance expenditures and fund sources of those expenditures;

(iv) The actual costs associated with the payment in lieu of taxes on the real property; and

(v) The actual use of the property and the results of the postacquisition monitoring;

(h) By July 1, 2025, and every ten years thereafter, summarize the previous ten years of postacquisition monitoring and identify: Properties that are meeting detailed and measurable goals identified upon acquisition; properties that are not meeting the goals identified, but are likely to do so in the foreseeable future; and properties that are not meeting the goals identified and are not likely to do so in the foreseeable future. For each property that is not meeting the goals identified, the report must describe any progress made towards the goals, the reasons the goals have not been achieved, and the estimated time frame for meeting the goals;

(i) Identify and commence a dialogue with key state and federal partners to develop an inventory of potential public lands for transfer into habitat and recreation land management status; and

~~((+))~~ (j) Review existing and proposed habitat conservation plans on a regular basis to foster statewide coordination and save costs.

(4) If prioritization among the various requirements of subsection (3) of this section is necessary due to the availability of resources, the group shall prioritize implementation of subsection (3)(a) through (d) and (g) of this section.

(5) The group shall revisit the planning requirements of relevant grant programs administered by the office to determine whether coordination of state agency habitat and recreation land acquisition and disposal could be improved by modifying those requirements.

(6) The group must develop options for centralizing coordination of habitat and recreation land acquisition made with funds from federal grants. The advantages and drawbacks of the following options, at a minimum, must be developed:

(a) Requiring that agencies provide early communication on the status of federal grant applications to the office, the office of financial management, or directly to the legislature;

(b) Establishing a centralized pass-through agency for federal funds, where individual agencies would be the primary applicants.

~~((7))~~ This section expires July 31, 2017. Prior to January 1, 2017, the group shall make a formal recommendation to the board and the appropriate committees of the legislature as to whether the existence of the habitat and recreation lands coordinating group should be continued beyond July 31, 2017, and if so, whether any modifications to its enabling statute should be pursued.)

Sec. 2. RCW 43.88.030 and 2006 c 334 s 43 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The biennial budget document or documents shall also describe performance indicators that demonstrate measurable progress towards priority results. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing

fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

- (a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;
  - (b) The undesignated fund balance or deficit, by fund;
  - (c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;
  - (d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;
  - (e) Tabulations showing expenditures classified by fund, function, and agency;
  - (f) The expenditures that include nonbudgeted, nonappropriated accounts outside the state treasury;
  - (g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and
  - (h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.
- (2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:
- (a) Interest, amortization and redemption charges on the state debt;
  - (b) Payments of all reliefs, judgments, and claims;
  - (c) Other statutory expenditures;
  - (d) Expenditures incident to the operation for each agency;
  - (e) Revenues derived from agency operations;
  - (f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;
  - (g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;
  - (h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) The governor's operating budget document or documents shall reflect the statewide priorities as required by RCW 43.88.090.

(4) The governor's operating budget document or documents shall identify activities that are not addressing the statewide priorities.

(5) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or (~~wildlife~~) habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, (~~shall~~) must identify;

(i) The projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions (~~shall~~) must include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The

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document (~~shall~~) must identify the source of funds from which the operation and maintenance costs are proposed to be funded; and

(ii) For applicable land acquisitions, the anticipated biennial costs for payments of amounts in lieu of real property taxes authorized under RCW 77.12.203, 79.70.130, 79.71.130, 79.155.140, or 79A.15.120. The document must also identify a proposed fund source to pay these costs:

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects; and

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (5), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative evaluation and accountability program committee, and office of financial management.

(6) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

**NEW SECTION. Sec. 3.** A new section is added to chapter 44.04 RCW to read as follows:

The appropriate committees of the senate and house of representatives may consider the biennial and decadal state lands acquisition monitoring reports required under RCW 79A.25.260 and, at the committee's discretion, make recommendations to the applicable legislative chamber. The legislature may direct land disposals through legislative enactment.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.12 RCW to read as follows:

(1) Prior to acquiring or developing real property, the department must review the proposed acquisition or development project with the city or county with jurisdiction. The department must endeavor to do so as soon as is practicable in the acquisition or development planning process.

(2) The department's review of a proposed project application with the city or county with jurisdiction under RCW 79A.15.110, if applicable, fulfills the requirements of this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.30 RCW under the subchapter heading "part 5 powers and duties--general" to read as follows:

(1) Prior to acquiring or developing real property that is currently or to be managed as a natural area preserve under chapter 79.70 RCW, natural resources conservation area under chapter 79.71 RCW, community forest trust under chapter 79.155 RCW, or for other habitat or recreation purposes, the department must review the proposed acquisition or development project with the city or county with jurisdiction. The department must endeavor to do so as soon as is practicable in the acquisition or development planning process.

(2) The department's review of a proposed project application with the city or county with jurisdiction under RCW 79A.15.110, if applicable, fulfills the requirements of this section.

**NEW SECTION. Sec. 6.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) Prior to acquiring or developing real property, the commission must review the proposed acquisition or development project with the city or county with jurisdiction. The commission must endeavor to do so as soon as is practicable in the acquisition or development planning process.

(2) The commission's review of a proposed project application with the city or county with jurisdiction under RCW 79A.15.110, if applicable, fulfills the requirements of this section."

Senators Honeyford and Liias spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford and others to Substitute Senate Bill No. 6052.

The motion by Senator Honeyford carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "acquisitions;" strike the remainder of the title and insert "amending RCW 79A.25.260 and 43.88.030; adding a new section to chapter 44.04 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 43.30 RCW; and adding a new section to chapter 79A.05 RCW."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Liias spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Liias, Litzow, McAuliffe, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Frockt, Hasegawa, Kline, Kohl-Welles, McCoy and Pedersen

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5731, by Senators Keiser, Conway, Fain and Kline

Allowing beer and/or wine specialty shop licensees to sell craft distillery products. Revised for 1st Substitute: Allowing beer and/or wine specialty shop licensees to sell products made by distillers that produce sixty thousand gallons or less of spirits per year.

#### MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 5731 was substituted for Senate Bill No. 5731 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Sheldon be adopted:

On page 4, after line 4, strike all of section 2

Senators Keiser and Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Sheldon on page 4, after line 4 to Substitute Senate Bill No. 5731.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "66.24.371;" strike the remainder of the title and insert "and prescribing penalties."

#### MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5731.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Ericksen, Fain, Fraser, Frockt, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Darneille, Hargrove, Padden and Pearson

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 5964, by Senators Fain, Rivers, Braun, Hasegawa, Rolfes, Conway, Frockt, Tom, Keiser, Mullet and Hill

Concerning training public officials and employees regarding public records, records management, and open public meetings requirements.

The measure was read the second time.

#### MOTION

On motion of Senator Fain, Substitute Senate Bill No. 5964 was not substituted for Senate Bill No. 5964 and the substitute bill was not adopted.

#### MOTION

Senator Fain moved that the following amendment by Senators Fain and Roach be adopted:

On page 2, after line 23, strike all of section 3, and insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 42.56 RCW to read as follows:

(1) Each local elected official and statewide elected official, and each person appointed to fill a vacancy in a local or statewide office, must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

(2) Officials required to complete training under this section may complete their training before assuming office but must:

(a) Complete training no later than ninety days after the date the official either:

(i) Takes the oath of office, if the official is required to take an oath of office to assume his or her duties as a public official; or

(ii) Otherwise assumes his or her duties as a public official; and

(b) Complete refresher training at intervals of no more than four years for as long as he or she holds the office.

(3) Training must be consistent with the attorney general's model rules for compliance with the public records act.

(4) Training may be completed remotely with technology including but not limited to internet-based training.

Senator Fain spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fain and Roach on page 2, after line 23 to Senate Bill No. 5964.

The motion by Senator Fain carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Fain, the rules were suspended, Engrossed Senate Bill No. 5964 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fain and Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5964.

#### ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5964 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Dansel and Padden

Excused: Senators Baumgartner and Eide

ENGROSSED SENATE BILL NO. 5964, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6008, by Senators Chase, Roach, Rivers, Hatfield, Hasegawa, Keiser and Benton

Modifying water-sewer district provisions.

#### MOTION

On motion of Senator Chase, Substitute Senate Bill No. 6008 was substituted for Senate Bill No. 6008 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Liias moved that the following amendment by Senator Liias be adopted:

On page 1, line 7, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 1, line 14, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 2, line 4, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 2, line 36, after "town" insert "located in a county with a population greater than one million five hundred thousand"

On page 3, line 25, after "towns" insert "located in a county with a population greater than one million five hundred thousand"

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Liias, the amendment by Senator Liias on page 1, line 7 to Substitute Senate Bill No. 6008 was withdrawn.

#### MOTION

Senator Liias moved that the following amendment by Senator Liias be adopted:

On page 1, line 7, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 1, line 14, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 2, line 4, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 2, line 36, after "town" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

On page 3, line 25, after "towns" insert "that is wholly or at least eighty percent located in a county with a population greater than one million five hundred thousand"

Senators Liias and Chase spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Liias on page 1, line 7 to Substitute Senate Bill No. 6008.

The motion by Senator Liias carried and the amendment was adopted by voice vote.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

On page 2, after line 33, strike all of section 2

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "adding" strike "new sections" and insert "a new section"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Chase spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, after line 23 to Substitute Senate Bill No. 6008.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Chase, the rules were suspended, Engrossed Substitute Senate Bill No. 6008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Chase spoke in favor of passage of the bill.

Senator Mullet spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6008.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6008 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Bailey, Becker, Benton, Braun, Brown, Chase, Conway, Dammeier, Darneille, Ericksen, Fain, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Keiser, King, Kline, Kohl-Welles, Liias, Litzow, McAuliffe, Nelson, O'Ban, Padden, Parlette, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Angel, Billig, Cleveland, Dansel, Fraser, Frockt, Honeyford, McCoy, Mullet and Pearson

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6464, by Senators O'Ban, Parlette and Becker

Concerning health insurance coverage options for the citizens of Washington state.

The measure was read the second time.

## MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 6464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator O'Ban spoke in favor of passage of the bill.

Senator Keiser spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6464.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6464 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Braun, Brown, Dammeier, Dangel, Ericksen, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Mullet, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Nelson, Pedersen, Ranker and Rolfes

Excused: Senators Baumgartner and Eide

SENATE BILL NO. 6464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6265, by Senators Frockt, Rivers, Conway, Becker, Kohl-Welles, Bailey, Cleveland, Ranker, Keiser and Tom

Concerning state and local agencies that obtain patient health care information.

## MOTION

On motion of Senator Frockt, Substitute Senate Bill No. 6265 was substituted for Senate Bill No. 6265 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Dammeier moved that the following amendment by Senators Dammeier, Keiser and Rivers be adopted:

On page 2, after line 13, insert the following:

"Sec. 2. RCW 43.71.075 and 2012 c 87 s 25 are each amended to read as follows:

(1) A person or entity functioning as a navigator consistent with the requirements of section 1311(i) of P.L. 111-148 of 2010, as

amended, shall not be considered soliciting or negotiating insurance as stated under chapter 48.17 RCW.

(2)(a) A person or entity functioning as a navigator may only request health care information that is relevant to the specific assessment and recommendation of health plan options. Any health care information received by a navigator may not be disclosed to any third party that is not part of the enrollment process and must be destroyed after enrollment has been completed.

(b) If a person's health care information is received and disclosed to a third party in violation of (a) of this subsection, the navigator must notify the person of the breach. The exchange must develop a policy to establish a reasonable notification period and what information must be included in the notice. This policy and information on the exchange's confidentiality policies must be made available on the exchange's web site.

(3) For the purposes of this section, "health care information" has the meaning provided in RCW 70.02.010."

Renumber the remaining section consecutively.

Senators Dammeier and Frockt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Dammeier, Keiser and Rivers on page 2, after line 13 to Substitute Senate Bill No. 6265.

The motion by Senator Dammeier carried and the amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "70.02.290" insert "and 43.71.075"

## MOTION

Senator Frockt and others moved that the following amendment by Senator Frockt be adopted:

On page 2, after line 13, insert the following:

"Sec. 2. RCW 43.70.052 and 2012 c 98 s 1 are each amended to read as follows:

(1) To promote the public interest consistent with the purposes of chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, the department shall continue to require hospitals to submit hospital financial and patient discharge information, which shall be collected, maintained, analyzed, and disseminated by the department. The department shall, if deemed cost-effective and efficient, contract with a private entity for any or all parts of data collection. Data elements shall be reported in conformance with a uniform reporting system established by the department. This includes data elements identifying each hospital's revenues, expenses, contractual allowances, charity care, bad debt, other income, total units of inpatient and outpatient services, and other financial and employee compensation information reasonably necessary to fulfill the purposes of this section. Data elements relating to use of hospital services by patients shall be the same as those currently compiled by hospitals through inpatient discharge abstracts. The department shall encourage and permit reporting by electronic transmission or hard copy as is practical and economical to reporters.

(2) In identifying financial reporting requirements, the department may require both annual reports and condensed quarterly reports from hospitals, so as to achieve both accuracy and timeliness in reporting, but shall craft such requirements with due regard of the data reporting burdens of hospitals.

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(3)(a) Beginning with compensation information for 2012, unless a hospital is operated on a for-profit basis, the department shall require a hospital licensed under chapter 70.41 RCW to annually submit employee compensation information. To satisfy employee compensation reporting requirements to the department, a hospital shall submit information as directed in (a)(i) or (ii) of this subsection. A hospital may determine whether to report under (a)(i) or (ii) of this subsection for purposes of reporting.

(i) Within one hundred thirty-five days following the end of each hospital's fiscal year, a nonprofit hospital shall file the appropriate schedule of the federal internal revenue service form 990 that identifies the employee compensation information with the department. If the lead administrator responsible for the hospital or the lead administrator's compensation is not identified on the schedule of form 990 that identifies the employee compensation information, the hospital shall also submit the compensation information for the lead administrator as directed by the department's form required in (b) of this subsection.

(ii) Within one hundred thirty-five days following the end of each hospital's calendar year, a hospital shall submit the names and compensation of the five highest compensated employees of the hospital who do not have any direct patient responsibilities. Compensation information shall be reported on a calendar year basis for the calendar year immediately preceding the reporting date. If those five highest compensated employees do not include the lead administrator for the hospital, compensation information for the lead administrator shall also be submitted. Compensation information shall include base compensation, bonus and incentive compensation, other payments that qualify as reportable compensation, retirement and other deferred compensation, and nontaxable benefits.

(b) To satisfy the reporting requirements of this subsection (3), the department shall create a form and make it available no later than August 1, 2012. To the greatest extent possible, the form shall follow the format and reporting requirements of the portion of the internal revenue service form 990 schedule relating to compensation information. If the internal revenue service substantially revises its schedule, the department shall update its form.

(4) The health care data collected, maintained, and studied by the department shall only be available for retrieval in original or processed form to public and private requestors pursuant to subsection (7) of this section and shall be available within a reasonable period of time after the date of request. The cost of retrieving data for state officials and agencies shall be funded through the state general appropriation. The cost of retrieving data for individuals and organizations engaged in research or private use of data or studies shall be funded by a fee schedule developed by the department that reflects the direct cost of retrieving the data or study in the requested form.

(5) The department shall, in consultation and collaboration with the federally recognized tribes, urban or other Indian health service organizations, and the federal area Indian health service, design, develop, and maintain an American Indian-specific health data, statistics information system. ~~((The department rules regarding confidentiality shall apply to safeguard the information from inappropriate use or release.))~~

(6) All persons subject to the data collection requirements of this section shall comply with departmental requirements established by rule in the acquisition of data.

(7) The department must maintain the confidentiality of patient discharge data it collects under subsection (1) of this section. Patient discharge data that includes direct and indirect identifiers is not subject to public inspection and the department may only release such data as allowed for in this section. Any agency that receives patient discharge data under (a) or (b) of this subsection must also

maintain the confidentiality of the data and may not release the data except as consistent with subsection (8)(b) of this section. The department may release the data as follows:

(a) Data that includes direct and indirect patient identifiers, as specifically defined in rule, may be released to:

(i) Federal, state, and local government agencies upon receipt of a signed data use agreement with the department; and

(ii) Researchers with approval of the Washington state institutional review board upon receipt of a signed confidentiality agreement with the department.

(b) Data that does not contain direct patient identifiers but may contain indirect patient identifiers may be released to agencies, researchers, and other persons upon receipt of a signed data use agreement with the department.

(c) Data that does not contain direct or indirect patient identifiers may be released on request.

(8) Recipients of data under subsection (7)(a) and (b) of this section must agree in a written data use agreement, at a minimum, to:

(a) Take steps to protect direct and indirect patient identifying information as described in the data use agreement; and

(b) Not re-disclose the data except as authorized in their data use agreement consistent with the purpose of the agreement.

(9) Recipients of data under subsection (7)(b) and (c) of this section must not attempt to determine the identity of persons whose information is included in the data set or use the data in any manner that identifies individuals or their families.

(10) For the purposes of this section:

(a) "Direct patient identifier" means information that identifies a patient; and

(b) "Indirect patient identifier" means information that may identify a patient when combined with other information.

(11) The department must adopt rules necessary to carry out its responsibilities under this section. The department must consider national standards when adopting rules."

Renumber the remaining section consecutively.

Senators Frockt and Becker spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Frockt and others on page 2, after line 13 to Substitute Senate Bill No. 6265.

The motion by Senator Frockt carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "70.02.290" insert "and 43.70.052"

MOTION

On motion of Senator Frockt, the rules were suspended, Engrossed Substitute Senate Bill No. 6265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Frockt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6265.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6265 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 6265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, pursuant to Rule 18, Senate Bill No. 5246, clarifying the teacher and principal evaluation process with the intent of strengthening the process was named a special order to be considered at 4:59 p.m.

#### SECOND READING

SENATE BILL NO. 5173, by Senators Hasegawa, Kline, Frockt and Chase

Excusing work and school absences for a reason of faith or conscience. Revised for 1st Substitute: Respecting holidays of faith and conscience.

#### MOTIONS

On motion of Senator Hasegawa, Substitute Senate Bill No. 5173 was substituted for Senate Bill No. 5173 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hasegawa, the rules were suspended, Substitute Senate Bill No. 5173 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5173.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5173 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 5173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Billig, Senator Kline was excused.

#### MOTION

On motion of Senator Fain, the Senate advanced to the seventh order of business.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5123, by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Hatfield, Hobbs, Parlette and Conway).

Establishing a farm internship program.

The bill was read on Third Reading.

Senator Ranker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5123.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Excused: Senators Baumgartner, Eide and Kline

SUBSTITUTE SENATE BILL NO. 5123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate reverted to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6028, by Senator Baumgartner

Declaring electricity from a generation facility powered by the combustion of solid waste in a municipally owned energy recovery facility to be an eligible renewable resource for the purposes of chapter 19.285 RCW, the energy independence act.

#### MOTION

On motion of Senator Ericksen, Substitute Senate Bill No. 6028 was substituted for Senate Bill No. 6028 and the substitute bill was placed on the second reading and read the second time.

#### SPECIAL ORDER OF BUSINESS

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The hour fixed for consideration of the special order of business having arrived, the President called the Senate to order. Further consideration of Substitute Senate Bill No. 6028 was deferred and the Senate immediately considered Senate Bill No. 5246 as a special order.

## SECOND READING

SENATE BILL NO. 5246, by Senators Litzow, Tom, Hobbs, Delvin, Padden, Schoesler and Smith

Clarifying the teacher and principal evaluation process with the intent of strengthening the process.

## MOTION

On motion of Senator Litzow, Substitute Senate Bill No. 5246 was substituted for Senate Bill No. 5246 and the substitute bill was placed on the second reading and read the second time.

## MOTION

Senator Litzow moved that the following striking amendment by Senator Litzow be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.405.100 and 2012 c 35 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)(c) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and the school

community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning. Student growth data, as determined under (f) of this subsection, must be a substantial factor in evaluating the summative performance of certificated classroom teachers for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 -unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 -distinguished. A classroom teacher shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating. By December 1, 2012, the superintendent of public instruction must adopt rules prescribing a common method for calculating the comprehensive summative evaluation performance rating for each of the preferred instructional frameworks, including for a focused evaluation under subsection (12) of this section, giving appropriate weight to the indicators evaluated under each criteria and maximizing rater agreement among the frameworks.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred instructional frameworks that support the revised evaluation system. The instructional frameworks shall be research-based and establish definitions or rubrics for each of the four summative performance ratings for each evaluation criteria. Each school district must adopt one of the preferred instructional frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred instructional framework that may be proposed by a school district.

(f)(i) Student growth data that is relevant to the teacher and subject matter must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. However, for teachers who teach reading or language arts or mathematics in a grade in which the federally mandated statewide student assessments are administered, one of the multiple measures of student growth must be the student results on the relevant assessments. The office of the superintendent of public instruction shall provide to each school district the relevant state-level assessment information necessary to determine student growth for the purpose of teacher evaluations.

(ii) Student growth data elements may include the teacher's performance as a member of a grade-level, subject matter, or other instructional team within a school when the use of this data is relevant and appropriate.

(iii) Any rules adopted by the office of the superintendent of public instruction regarding student growth goals set by a teacher and principal must assume that students achieve one year of student growth in a given academic year. The goal may be less than one full year of student growth when there are unavoidable circumstances on an individual student basis.

(iv) Student growth data elements may also include the teacher's performance as a member of the overall instructional team of a

school when use of this data is relevant and appropriate. As used in this subsection (2), "student growth" means the change in student achievement between two points in time.

(g) Student input may also be included in the evaluation process.

(3)(a) Except as provided in subsection (11) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel except where otherwise specified.

(4)(a) At any time after October 15th, an employee whose work is not judged satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. For classroom teachers who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings based on the evaluation criteria in subsection (2)(b) of this section mean a classroom teacher's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the classroom teacher is a continuing contract employee under RCW 28A.405.210 with more than five years of teaching experience and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(b) During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. Days may be added if deemed necessary to complete a program for improvement and evaluate the probationer's performance, as long as the probationary period is concluded before May 15th of the same school year. The probationary period may be extended into the following school year if the probationer has five or more years of teaching experience and has a comprehensive summative evaluation performance rating as of May 15th of less than level 2. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to

supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency. Should the evaluator not authorize such additional evaluator, the probationer may request that an additional certificated employee evaluator become part of the probationary process and this request must be implemented by including an additional experienced evaluator assigned by the educational service district in which the school district is located and selected from a list of evaluation specialists compiled by the educational service district. Such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. If a procedural error occurs in the implementation of a program for improvement, the error does not invalidate the probationer's plan for improvement or evaluation activities unless the error materially affects the effectiveness of the plan or the ability to evaluate the probationer's performance. The probationer must be removed from probation if he or she has demonstrated improvement to the satisfaction of the evaluator in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her program for improvement. A classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must be removed from probation if he or she has demonstrated improvement that results in a new comprehensive summative evaluation performance rating of level 2 or above for a provisional employee or a continuing contract employee with five or fewer years of experience, or of level 3 or above for a continuing contract employee with more than five years of experience. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer constitutes grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(c) When a continuing contract employee with five or more years of experience receives a comprehensive summative evaluation performance rating below level 2 for two consecutive years, the school district shall, within ten days of the completion of the second ~~comprehensive~~ summative ((~~comprehensive~~—[~~comprehensive summative~~])) evaluation or May 15th, whichever occurs first, implement the employee notification of discharge as provided in RCW 28A.405.300.

(d) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and program for improvement, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. In the case of a classroom teacher who has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the teacher may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year immediately following the completion of a probationary period that does not result in the required comprehensive summative evaluation performance ratings specified in (b) of this subsection. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation

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shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning. Student growth data, as determined under (f) of this subsection, must be a substantial factor in evaluating the summative performance of the principal for at least three of the evaluation criteria listed in this subsection.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. The summative performance ratings shall be as follows: Level 1 - unsatisfactory; level 2 - basic; level 3 - proficient; and level 4 - distinguished. A principal shall receive one of the four summative performance ratings for each of the minimum criteria in (b) of this subsection and one of the four summative performance ratings for the evaluation as a whole, which shall be the comprehensive summative evaluation performance rating.

(d) By December 1, 2012, the superintendent of public instruction shall adopt rules that provide descriptors for each of the summative performance ratings, based on the development work of pilot school districts under subsection (7) of this section. Any subsequent changes to the descriptors by the superintendent may only be made following consultation with a group broadly reflective of the parties represented in subsection (7)(a) of this section.

(e) By September 1, 2012, the superintendent of public instruction shall identify up to three preferred leadership frameworks that support the revised evaluation system. The leadership frameworks shall be research-based and establish definitions or rubrics for each of the four performance ratings for each evaluation criteria. Each school district shall adopt one of the preferred leadership frameworks and post the selection on the district's web site. The superintendent of public instruction shall establish a process for approving minor modifications or adaptations to a preferred leadership framework that may be proposed by a school district.

(f)(i) Student growth data that is relevant to the principal must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. However, for principals assigned to a school in which reading or language arts or mathematics are taught in at least one of the grades in which the federally mandated statewide assessments are administered, one of the multiple measures of student growth must be the student results

on the relevant assessments. The office of the superintendent of public instruction shall provide to each school district the relevant state-level assessment information necessary to determine student growth for the purpose of principal evaluations.

(ii) As used in this subsection (6), "student growth" means the change in student achievement between two points in time.

(g) Input from building staff may also be included in the evaluation process.

(h) For principals who have been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section, the following comprehensive summative evaluation performance ratings mean a principal's work is not judged satisfactory:

(i) Level 1; or

(ii) Level 2 if the principal has more than five years of experience in the principal role and if the level 2 comprehensive summative evaluation performance rating has been received for two consecutive years or for two years within a consecutive three-year time period.

(7)(a) The superintendent of public instruction, in collaboration with state associations representing teachers, principals, administrators, school board members, and parents, to be known as the steering committee, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in (d) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) Each school district board of directors shall adopt a schedule for implementation of the revised evaluation systems that transitions a portion of classroom teachers and principals in the district to the revised evaluation systems each year beginning no later than the 2013-14 school year, until all classroom teachers and principals are being evaluated under the revised evaluation systems no later than the 2015-16 school year. A school district is not precluded from completing the transition of all classroom teachers and principals to the revised evaluation systems before the 2015-16 school year. The schedule adopted under this subsection (7)(c) must provide that the following employees are transitioned to the revised evaluation systems beginning in the 2013-14 school year:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Classroom teachers who are on probation under subsection (4) of this section;

(iii) Principals in the first three consecutive school years of employment as a principal;

(iv) Principals whose work is not judged satisfactory in their most recent evaluation; and

(v) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district.

(d) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated

classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011, report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

(e)(i) The steering committee in (a) of this subsection (~~((7)(a) of this section))~~ and the pilot school districts in (d) of this subsection (~~((7)(d) of this section))~~ shall continue to examine implementation issues and refine tools for the new certificated classroom teacher evaluation system in subsection (2) of this section and the new principal evaluation system in subsection (6) of this section during the 2013-14 through 2015-16 implementation phase.

(ii) Particular attention shall be given to the following issues:

(A) Developing a report for the legislature and governor, due by December 1, 2013, of best practices and recommendations regarding how teacher and principal evaluations and other appropriate elements shall inform school district human resource and personnel practices. The legislature and governor are provided the opportunity to review the report and recommendations during the 2014 legislative session;

(B) Taking the new teacher and principal evaluation systems to scale and the use of best practices for statewide implementation;

(C) Providing guidance regarding the use of student growth data to assure it is used responsibly and with integrity;

(D) Refining evaluation system management tools, professional development programs, and evaluator training programs with an emphasis on developing rater reliability;

(E) Reviewing emerging research regarding teacher and principal evaluation systems and the development and implementation of evaluation systems in other states;

(F) Reviewing the impact that variable demographic characteristics of students and schools have on the objectivity, reliability, validity, and availability of student growth data; and

(G) Developing recommendations regarding how teacher evaluations could inform state policies regarding the criteria for a teacher to obtain continuing contract status under RCW 28A.405.210. In developing these recommendations the experiences of school districts and teachers during the evaluation transition phase must be considered. Recommendations must be reported by July 1, 2016, to the legislature and the governor.

(iii) To support the tasks in (e)(ii) of this subsection, the superintendent of public instruction may contract with an independent research organization with expertise in educator evaluations and knowledge of the revised evaluation systems being implemented under this section.

(iv) The superintendent of public instruction shall monitor the statewide implementation of revised teacher and principal evaluation systems using data reported under RCW 28A.150.230 as well as periodic input from focus groups of administrators, principals, and teachers.

(v) The superintendent of public instruction shall submit reports detailing findings, emergent issues or trends, recommendations from the steering committee, and pilot school districts, and other recommendations, to enhance implementation and continuous improvement of the revised evaluation systems to appropriate committees of the legislature and the governor beginning July 1, 2013, and each July 1st thereafter for each year of the school district implementation transition period concluding with a report on December 1, 2016.

(8)(a) Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: Staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force. Nothing in this section limits the ability to collectively bargain how the multiple factors shall be used in making human resource or personnel decisions, with the exception that evaluation results must be a factor.

(b) The office of the superintendent of public instruction must report to the legislature and the governor regarding the school district implementation of the provisions of (a) of this subsection by December 1, 2017.

(9) Each certificated classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

(10) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

(11) After a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation

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emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise. The provisions of this subsection apply to certificated classroom teachers only until the teacher has been transitioned to the revised evaluation system pursuant to the district implementation schedule adopted under subsection (7)(c) of this section.

(12) All certificated classroom teachers and principals who have been transitioned to the revised evaluation systems pursuant to the district implementation schedule adopted under subsection (7)(c) of this section must receive annual performance evaluations as provided in this subsection:

(a) All classroom teachers and principals shall receive a comprehensive summative evaluation at least once every four years. A comprehensive summative evaluation assesses all eight evaluation criteria and all criteria contribute to the comprehensive summative evaluation performance rating.

(b) The following categories of classroom teachers and principals shall receive an annual comprehensive summative evaluation:

(i) Classroom teachers who are provisional employees under RCW 28A.405.220;

(ii) Principals in the first three consecutive school years of employment as a principal;

(iii) Principals previously employed as a principal by another school district in the state of Washington for three or more consecutive school years and in the first full year as a principal in the school district; and

(iv) Any classroom teacher or principal who received a comprehensive summative evaluation performance rating of level 1 or level 2 in the previous school year.

(c)(i) In the years when a comprehensive summative evaluation is not required, classroom teachers and principals who received a comprehensive summative evaluation performance rating of level 3 or above in the previous school year are required to complete a focused evaluation. A focused evaluation includes an assessment of one of the eight criteria selected for a performance rating plus professional growth activities specifically linked to the selected criteria.

(ii) The selected criteria must be approved by the teacher's or principal's evaluator and may have been identified in a previous comprehensive summative evaluation as benefiting from additional attention. A group of teachers may focus on the same evaluation criteria and share professional growth activities. A group of principals may focus on the same evaluation criteria and share professional growth activities.

(iii) The evaluator must assign a comprehensive summative evaluation performance rating for the focused evaluation using the methodology adopted by the superintendent of public instruction for the instructional or leadership framework being used.

(iv) A teacher or principal may be transferred from a focused evaluation to a comprehensive summative evaluation at the request

of the teacher or principal, or at the direction of the teacher's or principal's evaluator.

(v) Due to the importance of instructional leadership and assuring rater agreement among evaluators, particularly those evaluating teacher performance, school districts are encouraged to conduct comprehensive summative evaluations of principal performance on an annual basis.

(vi) A classroom teacher or principal may apply the focused evaluation professional growth activities toward the professional growth plan for professional certificate renewal as required by the professional educator standards board.

(13) Each school district is encouraged to acknowledge and recognize classroom teachers and principals who have attained level 4 -distinguished performance ratings."

Senator Litzow spoke in favor of adoption of the striking amendment.

MOTION

Senator Rolfes moved that the following amendment by Senator Rolfes to the striking amendment be adopted:

On page 3, line 14 of the amendment, after "However," insert "subject to the requirements of (f)(iv) of this subsection."

On page 3, after line 36 of the amendment, insert the following:

"(v) The federally mandated statewide assessments shall only be used as one of the multiple measures of student growth once the office of the superintendent of public instruction has determined that the relevant assessment meets professionally accepted standards for being a valid and reliable tool for measuring student growth."

On page 8, line 28 of the amendment, after "However," insert "subject to the requirements of (f)(iii) of this subsection."

On page 8, after line 38 of the amendment, insert the following:

"(iii) The federally mandated statewide assessments shall only be used as one of the multiple measures of student growth once the office of the superintendent of public instruction has determined that the relevant assessment meets professionally accepted standards for being a valid and reliable tool for measuring student growth."

WITHDRAWAL OF AMENDMENT

On motion of Senator Rolfes, the amendment by Senator Rolfes on page 3, line 14 to the striking amendment to Substitute Senate Bill No. 5246 was withdrawn.

MOTION

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Litzow to Substitute Senate Bill No. 5246.

The motion by Senator Litzow carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "and amending RCW 28A.405.100."

MOTION

On motion of Senator Litzow, the rules were suspended, Engrossed Substitute Senate Bill No. 5246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Litzow, Dammeier, Tom, Hill and Rivers spoke in favor of passage of the bill.

Senators McAuliffe, Rolfes, McCoy and Roach spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5246.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5246 and the bill passed the Senate by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Braun, Dammeier, Fain, Hewitt, Hill, Holmquist Newbry, Honeyford, King, Litzow, Mullet, O'Ban, Parlette, Rivers, Schoesler, Sheldon and Tom

Voting nay: Senators Benton, Billig, Brown, Chase, Cleveland, Conway, Dansel, Darneille, Ericksen, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Nelson, Padden, Pearson, Pedersen, Ranker, Roach and Rolfes

Excused: Senators Baumgartner and Eide

ENGROSSED SUBSTITUTE SENATE BILL NO. 5246, having failed to receive the constitutional majority, was declared lost.

The Senate resumed consideration of Substitute Senate Bill No. 6028.

#### MOTION

On motion of Senator Ericksen, the rules were suspended, Substitute Senate Bill No. 6028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Ericksen and Billig spoke in favor of passage of the bill.

Senator McCoy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6028.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6028 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Cleveland, Dammeier, Dansel, Ericksen, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist Newbry, Honeyford, King, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler and Sheldon

Voting nay: Senators Chase, Conway, Darneille, Fain, Fraser, Frockt, Hasegawa, Hill, Keiser, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker, Rolfes and Tom

Excused: Senators Baumgartner and Eide

SUBSTITUTE SENATE BILL NO. 6028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Fain, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 17, 2014

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1224,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2149,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2347,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2414,

ENGROSSED HOUSE BILL NO. 2447,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2463,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524,

HOUSE BILL NO. 2573,

SECOND SUBSTITUTE HOUSE BILL NO. 2643,

ENGROSSED HOUSE BILL NO. 2733,

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

At 5:40 p.m., on motion of Senator Fain, the Senate adjourned until 10:00 a.m. Wednesday, February 19, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate



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1156-S	Messages .....	1	2225	Messages .....	1
1170-S2	Introduction & 1 <sup>st</sup> Reading .....	2	2229-S	Messages .....	1
1171-S	Messages .....	1	2231	Messages .....	2
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1287-S	Introduction & 1 <sup>st</sup> Reading .....	2	2253	Messages .....	1
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1820-S	Messages .....	2	2334	Introduction & 1 <sup>st</sup> Reading .....	3
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2125-S	Messages .....	2	2359	Introduction & 1 <sup>st</sup> Reading .....	3
2130	Introduction & 1 <sup>st</sup> Reading .....	2	2363-S	Messages .....	1
2146-S	Messages .....	1	2365-S	Introduction & 1 <sup>st</sup> Reading .....	3
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2153-S	Introduction & 1 <sup>st</sup> Reading .....	3	2376-S	Messages .....	2
2155-S	Messages .....	2	2378-S	Introduction & 1 <sup>st</sup> Reading .....	3
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2438	Messages .....	2	2617	Messages .....	2
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2482	Messages .....	1	2684	Introduction & 1 <sup>st</sup> Reading .....	4
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2493-S2	Messages .....	1	2694-S2	Introduction & 1 <sup>st</sup> Reading .....	4
2512-S	Introduction & 1 <sup>st</sup> Reading .....	4	2698-S	Messages .....	1
2515	Introduction & 1 <sup>st</sup> Reading .....	4	2699-S	Introduction & 1 <sup>st</sup> Reading .....	5
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2530	Messages .....	2	2711-S	Messages .....	2
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